

REMARKS

Claims 21-40 are pending in the application. No claims are amended in the present response, however, Applicant has provided a listing of the claims for the Examiner's convenience. Reconsideration is respectfully requested in view of the remarks below.

I. The § 103 Rejections

Claims 21-24, 27-31, and 34-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,526,575 to McCoy et al. ("McCoy") in view of U.S. Patent No. 5,099,319 to Esch et al. ("Esch").

Claims 25, 32, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCoy and Esch, in view of U.S. Patent No. 5,920,700 to Gordon et al. ("Gordon").

Claims 26, 33, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCoy, Esch, and Gordon, in view of U.S. Patent No. 6,253,079 to Valentine et al. ("Valentine").

Applicant respectfully traverses the rejections.

Claim 21 recites a method for controlling insertion of a plurality of local spots into a program feed through a central site server located at a central control site. The method includes distributing the plurality of local spots from the central site server to one or more remote site servers prior to playout of the program feed. The method further includes sending a plurality of control parameters from the central site server to each of the one or more remote site servers. The program feed is transmitted from the central site server to each of the one or more remote site servers, and each of the remote site servers automatically switches between playout of the program feed and playout of each local spot in accordance with the plurality of control parameters received from the central site server.

A potential advantage of such a method is that the integrity of a (national) television program feed can be maintained through centralized control of a channel's programming (payout) through a central control site, which also prevents local affiliates from tampering with the programming (see specification, page 2, lines 11-13).

A. McCoy Fails To Disclose Distributing a Plurality of Local Spots From a Central Site Server To One or More Remote Site Servers Prior To Payout of a Program Feed

McCoy discloses a multimedia distribution and broadcast system for transmitting multimedia contents and control information from a central uplink facility 102 to a remote downlink facility 106 via a satellite 104 (col. 4, ll. 9-15; FIG. 1). McCoy, however, fails to disclose distributing a plurality of local spots from a central site server to one or more remote site servers prior to payout of a program feed (emphasis added). Instead, McCoy discloses that the downlink facility 106 includes a downlink database 130 that stores local media 426 (col. 13, ll. 7-10 and 28-46). The local media 426 includes advertising for local retailers or television programs, and the local media 426 is entered locally into data transmitted from the central uplink facility 102 at the remote downlink facility 106 (emphasis added) (col. 13, ll. 47-56). Consequently, the local media 426 (which includes advertising for local retailers or television programs) is not received from the central uplink facility 102.

The Examiner recognizes that McCoy fails to disclose distributing a plurality of local spots from a central site server to one or more remote site servers prior to payout of a program feed. The Examiner, however, asserts that these limitations, as well as further limitations absent from McCoy and recited in claim 21, are disclosed by Esch.

B. Esch Fails To Disclose Distributing a Plurality of Local Spots From a Central Site Server To One or More Remote Site Servers Prior To Payout of a Program Feed

Esch discloses a satellite advertising distribution system that allows customizing the advertisement at each ground terminal (col. 1, ll. 6-9). In particular, Esch discloses an advertising delivery network that distributes television commercials from a central site through a satellite network to remote sites (col. 3, ll. 15-20, FIG. 1).

The commercials distributed to the remote site from the central site, however, are not local spots. Instead, the commercials distributed from Esch's central site are standard (e.g., national commercials). The standard commercials sent from Esch's central site are not customized until the commercials reach a remote site where a communications processor customizes the commercials through tagging (col. 4, ll. 63-66). Each of Esch's remote sites includes a video tape recorder 107 that provides for insertion of locally produced content (col. 9, ll. 16-19). Such locally originated content can be combined with a customized commercial as appropriate (col. 1, ll. 45-49). Esch fails to disclose that the locally produced content is received from the central site. Accordingly, Esch (as with McCoy) fails to disclose distributing a plurality of local spots from a central site server to one or more remote site servers prior to payout of a program feed, as required by claim 21.

Because neither Esch nor McCoy discloses distributing a plurality of local spots from a central site server to one or more remote site servers prior to payout of a program feed, the systems disclosed by Esch and McCoy cannot be used to maintain the integrity of a (national) television program feed through a central control site, which is an advantage of Applicant's invention. That is, McCoy's central uplink facility does not have control over the local media 426, and Esch's central site does not have control over locally produced content.

C. Valentine Fails To Disclose Distributing a Plurality of Local Spots From a Central Site Server To One or More Remote Site Servers Prior To Payout of a Program Feed

Valentine discloses a method for optimizing satellite resources to prevent overconsumption of the satellite resources (see Abstract). However, Valentine fails to disclose distributing a plurality of local spots from a central site server to one or more remote site servers prior to payout of a program feed, as required by claim 21.

D. The claim has limitations not taught by either reference

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

Neither McCoy, Esch, nor Valentine (either alone or in combination) discloses distributing a plurality of local spots from a central site server to one or more remote site servers prior to payout of a program feed. Consequently, any combination of McCoy, Esch, and Valentine cannot render claim 21 obvious.

E. No Motivation To Combine References

Prior art references must be considered in their entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

Applicant respectfully submits that there is no motivation to combine McCoy and Esch. Even assuming *arguendo* that Esch discloses distributing a plurality of local spots from a central site server to one or more remote site servers prior to payout of a program feed (which Applicant does not concede), McCoy clearly teaches away from doing such, as discussed above. McCoy

clearly discloses local media 426 that is not received from a central site. Accordingly, Applicant respectfully submits that there is no motivation to combine McCoy and Esch.

F. Other Independent Claims


Claims 28 and 35 each incorporates limitations similar to those of claim 21. Claims 28 and 35 (and the claims that depend therefrom) are also allowable over the references cited above for reasons corresponding to those set forth with respect to claim 21.

Applicant submits that claims 21-40 are allowable over the cited references, and are in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,
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Date



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